

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 28, 2010

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

B218280 Dermenjian v. Dermenjian

Argument waived, cause submitted.

B216702 Robings
 v.
 Santa Monica Mountains Conservancy

Matter advanced to July 27, 2010 calendar.

B207417 McCall
 v.
 Safety Consultant Services, Inc., et al.

Matter continued to August 25, 2010.

B213730 Levaton, et al.
 v.
 Levaton, et al.

Matter continued to September 21, 2010.

DIVISION ONE (continued)

B216848 Ellerbee
 v.
 County Of Los Angeles, et al.

Merits:
Argued by Henry P. Nelson for appellants and by Montie S. Day for respondent. Cause submitted.

B217057 In re Marriage of Lonna and Israel Kin.
 Kin
 v.
 Kin

Merits:
Argued by Douglas S. Honig for appellant and William T. Kermisch waived oral argument for respondent. Cause submitted.

B218019 Sands & Associates
 v.
 Juknavorian

Merits:
Argued by Victor Jacobovitz for appellant and by Heleni E. Suydam for respondent. Cause submitted.

B219068 Hawkins
 v.
 Matlock

Appearances:
Avi Burkwitz for respondent and no appearances for appellant Kevin Hawkins. Argument waived, cause submitted.

DIVISION ONE (continued)

B212062 Gutierrez, et al.
 v.
 California Commerce Club

Merits:
Argued by Thomas S. Campbell for appellants and by Anna S. Masters for respondent. Cause submitted.

B206763 Saller
 v.
 Crown Cork & Seal Company

Merits:
Argued by Michael B. Gurien for appellant and by Richard H. Nakamura, Jr. for respondent. Cause submitted.

B214860 Donegan
 v.
 CFHS Holdings Inc., et al.

Merits:
Argued by Michael Donegan appellant in propria persona and by Steven Kushner and Tina E. Lee for respondents. Cause submitted.

Court recessed.

Court reconvened at 10:45 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

B213971 Du, et al.
 v.
 Franchise Tax Board

Merits:
Argued by Sharyn Marie Fisk for appellants and by W. Dean Freeman, Deputy Attorney General for respondent. Cause submitted.

DIVISION ONE (continued)

Rothschild, J. leaves the bench.

B213919 Montrose Chemical Corporation of California
 v.
 Century Indemnity Company

Merits:

Argued by Richard B. Goetz for appellant and by Brook Roberts for respondent. Cause submitted.

B216360 Karson
 v.
 Soleimani

Merits:

Argued by Maryam S. Karson for appellant and by Cyrus Meshki for respondent. Cause submitted.

B219584 Villacres
 v.
 ABM Industries, Inc., et al.

Merits:

Argued by Marc Primo for appellant and by Keith A. Jacoby for respondents. Cause submitted.

Court adjourned.

B220226 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 J.H.

The order is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

DIVISION ONE (continued)

[illegible]

The judgment is affirmed. The trial court is directed to issue and forward to the Department of Corrections and Rehabilitation a second amended abstract of judgment correcting the following errors: (1) the substantive offense in count 4 is possession of ammunition, not a firearm; (2) both references to enhancements to count 4 must be removed; (3) a three-year concurrent Penal Code section 12022, subdivision (c) enhancement to count 5 must be added; (4) a three-year consecutive Health and Safety Code section 11370.2 enhancement to count 5 must be added; and (5) the Health and Safety Code must be listed as the authority for the enhancements to counts 6 and 7.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

[illegible]

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
Chaney, J.

July 28, 2010 (Continued)

DIVISION ONE (continued)

B220045 People (Not for Publication)
v.
Contreras

The judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

B212849 Rungrueng (Not for Publication)
v.
Hoang

The order is affirmed.

Mallano, P.J.

We concur: Chaney, J.
Johnson, J.

B214907 People (Not for Publication)
v.
Moreno

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

DIVISION ONE (continued)

B224398 Jogani (Not for Publication)

v.

Superior Court, Los Angeles County
(Jogani)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order refusing to direct entry of judgment and to issue a new and different order directing the clerk to enter judgment, in Los Angeles Superior Court case No. BC290553. All parties shall bear their own costs.

Mallano, P.J. Rothschild, J. Johnson, J.

DIVISION TWO

B212580 People (Certified for Publication)

v.

Wong

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B218691 Wendell (Not for Publication)

v.

Del Amo Fashion Center Operating Co., et al.

The judgment of the trial court is affirmed. Respondents are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

DIVISION TWO (continued)

B219453 People (Not for Publication)
v.
Robert C.

The order appealed from is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B219789 Unger (Not for Publication)
v.
McCloskey

The judgment is affirmed. McCloskey is entitled to his costs on appeal

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B220941 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Robert S. Sr.

The juvenile court's order is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

July 28, 2010 (Continued)

DIVISION TWO (continued)

B216295 Beta Healthcare Group Risk Management Authority (Not for Publication)
v.
Norcal Mutual Insurance Co.

Summary judgment is affirmed. Norcal is entitled to its costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

B214581 People v. Wright (Not for Publication)

The appeal as to appellant's challenge to the imposition of the one-year prior prison term enhancements is dismissed. The presentence conduct credits are modified to award appellant 290 days of conduct credit, in lieu of the previously awarded conduct credit of 144 days. Additionally, custody credit must be awarded for the days between the date of the initial sentencing and his resentencing. (*People v. Buckhalter* (2001) 26 Cal.4th 20, 40.) The matter is remanded for resentencing, and the judgment is otherwise affirmed. On remand, the trial court is directed to prepare a corrected abstract of judgment to reflect these changes.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

DIVISION THREE

B218291 County of Los Angeles (Not for Publication)
v.
American Surety Company

The order denying the motion to vacate the summary judgment is affirmed.
The County shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B213754 Jamgotchian, et al. (Not for Publication)
v.
City of Manhattan Beach, et al.

The judgment is affirmed. Costs on appeal are awarded to defendant City
of Manhattan Beach.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B215595 Guo (Certified for Publication)
v.
Sun

The superior court order dated February 17, 2009, denying appellant Sun's
request to be declared a putative spouse is affirmed. Respondent Guo is
awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (continued)

B217184 BFK, Inc. (Not for Publication)
v.
China Lucky Film Corporation

The judgment is modified so that the amount of the judgment in BFK's favor is \$2 million, plus \$38,005.89 in costs. As modified, the judgment is affirmed. The order denying BFK's and China Lucky motions for attorney fees is also affirmed. Each party is to bear their own costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B212814 Del Valle, etc., et al. (Not for Publication)
B215459 v.
Magdaleno Trucking, Inc., et al.

The judgments are affirmed. Defendants are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B220526 L. A. Co. Dept. of Children & Family Svcs. (Not for Publication)
v.
D.B.

The order from which Mother has appealed is reversed and the cause is remanded for further proceedings consistent with the views expressed herein.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

July 28, 2010 (Continued)

DIVISION THREE (continued)

B209442 People (Not for Publication)
B209901 v.
Forest

The judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B216485 People (Not for Publication)
v.
Guevara

The order is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B220366 People (Not for Publication)
v.
Williams

The order denying the petition for writ of error coram nobis is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

July 28, 2010 (Continued)

DIVISION FOUR (continued)

B216395 People v. Hill (Not for Publication)

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B207468 Bowman
v.
Wyatt, Jr., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B214910 People
v.
Booker

Filed order denying petition for rehearing.

DIVISION SIX

B218978 People v. Libman (Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (continued)

B214906 William Bookout (Certified for Publication)

v.

State of California ex rel. Department of Transportation, et al.

Filed order modifying and certifying the opinion for publication. (No change in the judgment)

B218065 People

v.

Jamal Charles White

Filed order vacating submission order of May 13, 2010. The parties are invited to submit supplemental briefing. The matter will thereafter be set for oral argument, and shall be resubmitted as of that date.

DIVISION SEVEN

B217798 People (Not for Publication)

v.

Kook

The judgment is modified by increasing the \$20 fee imposed pursuant to section 1465.8, subdivision (a)(1), to \$40 and imposing the mandatory parole revocation fine of \$10,000 pursuant to section 1202.45. As so modified, the judgment is affirmed. The clerk of the court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.